

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

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## S CORPUS

3. 45 JUL 1964

3. Without the relevant records, the respondent cannot meaningfully evaluate threshold defenses under the Antiterrorism and Effective Death Penalty Act (AEDPA), such as whether the petitioner properly exhausted available state-court remedies as required by 28 U.S.C. § 2254(b)(1) and whether the petition is timely filed in accordance with 28 U.S.C. § 2244(d).

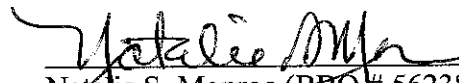
4. The extension sought herein will enable the respondent to compile and evaluate all of the relevant records, and, thereby, be in a position to meaningfully respond to the petition.

**WHEREFORE**, the present motion should be allowed and an order should enter allowing the respondent up to and including July 23, 2004 to answer or otherwise respond to the petition.

Respectfully submitted,

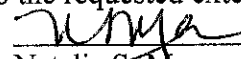
THOMAS F. REILLY  
ATTORNEY GENERAL

Dated: May 26, 2004

  
Natalie S. Monroe (BBO # 562383)  
Assistant Attorney General  
Criminal Bureau  
One Ashburton Place  
Boston, MA 02108  
(617) 727-2200, x2833

**RULE 7.1 CERTIFICATION**

I hereby certify that I conferred with the plaintiff's counsel, Rosemary Scapicchio, Esq., by telephone on May 26, 2004. Ms. Scapicchio assented to the requested extension.

  
Natalie S. Monroe

**Certificate of Service**

I, Natalie S. Monroe, hereby certify that, on May 26, 2004, I caused to be served a true and correct copy of the foregoing document by mailing a copy of the same by first-class mail, postage prepaid, and addressed to the petitioner's counsel, Rosemary C. Scapicchio, Esq., Four Longfellow Place, Suite 3703, Boston, Massachusetts 02114.

